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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,659	02/19/2004	Tomonori Minagawa	03500.017922.	3581
5514 7590 09/17/2009 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER KENDALL, CHUCK O				
ART UNIT 2192		PAPER NUMBER		
MAIL DATE 09/17/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,659

Applicant(s)

MINAGAWA, TOMONORI

Examiner

CHUCK O. KENDALL

Art Unit

2192

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30, 32 - 35, 37, 40, 41 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30, 32 - 35, 37, 40, 41 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 03/10/05/04/08/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

1. This is in response to application filed 07/09/09.
2. Claims 30, 32 – 35, 37, 40, 41 and 44 have amended.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 30, 32 – 35, 37, 40, 41 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Kemp et al. US 2003/0200289 A1.

Regarding claim 30, 35 and 44 (Currently Amended) A remote install method for a program in a network system, said method comprising:

an acquisition step of acquiring printer information on a plurality of printers provided in a network [0006];

a selecting step of selecting one of the plurality of printers on which the printer information is acquired in the acquisition step[0028];

a determining step of determining an extended function program of a core printer driver, the extended function program being compliant with the selected printer [0044];

a displaying step of displaying (a) information indicating the extended function program determined in the determining step [0030], and (b) an instruction section on which art a remote installation instruction of the determined extended function program can be activated, and

a sending step of sending the extended function program to a client apparatus in response to activation of the remote installation instruction on the instruction section displayed in the displaying step [0044].

Regarding claims 32 and 37, (Currently Amended) The remote install method according to claim 30, wherein, the extended function program is (a) registered as an object to be supported by an inter-object communication function provided by a operating system of the client apparatus, (b) connected to a driver of a device connected to the

client apparatus by the inter-object communication function, and (c) called in a form decided in advance [0032, 0046].

Regarding claim 33, (Currently Amended) The remote install method according to claim 30, wherein, the sending step sends the extended function program to a designated client apparatus in accordance with designation of a the client and an install start instruction entered via an input unit [0035].

Regarding claim 34, the remote install method according to claim 30, wherein, the sending step sends, to a designated client apparatus, an extended function program, allowed to be installed in a device allowed to be used for the designated client apparatus [0045].

Regarding claim 40, the server apparatus according to claim 35, wherein the sending unit sends the extended function program to a designated client apparatus in accordance with designation of the client apparatus and install starting instruction entered via an input unit [0029].

Regarding claim 41, the server apparatus according to claim 35, wherein the sending unit sends to a designated client apparatus an extended function program allowed to be installed in a device allowed to be used for the designated client apparatus [0043, see extensible].

Response to Arguments

5. Applicant's arguments with respect to claims 30, 32 – 35, 37, 40, 41 and 44 have been considered but are moot in view of the new ground(s) of rejection.

However, regarding Applicants argument on page 7 of 07/06/09 response that the prior art doesn't show the extended function program. Examiner believes that prior art does. Applicant's plain language of claims merely discloses, "determining an extended function program of a core printer driver, the extended function program being compliant with the selected printer"

As claimed claim merely cause for determining a function of the printer driver being compliant with the selected printer. Examiner believes this is synonymous with must identification processes which take place when selecting a particular printer prior to configuration. Prior art in paragraph [0044] discloses this. See "...identification

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information of the printer to be added (e.g. IP address, the printer's name, a NetBios name, etc.), and the device type of the printer.

Having received the printer's identification information and device type, the DDI performs a query (601) of a known database 702 for device configuration information corresponding to the device type.."

Correspondence information

6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached between Monday and Thursday, at 11:00 am - 4:300pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chuck O Kendall/

Primary Examiner, Art Unit 2192